

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT
DIVISION FOUR

JACQUELINE STEPHENSON,)	
AS MOTHER AND NEXT FRIEND)	No. ED100327
OF JADA STEPHENSON, A MINOR,)	
)	
Plaintiff/Appellant,)	Appeal from the St. Louis County
)	Circuit Court
vs.)	
)	Honorable David L. Vincent, III
COUNTRYSIDE TOWNHOMES, LLC,)	
)	
Defendant/Respondent.)	Filed: July 29, 2014

Jacqueline Stephenson (Plaintiff), as Mother and Next Friend of J.S., a minor, appeals from a judgment entered on a jury verdict in favor of Countryside Townhomes, LLC (Defendant). Plaintiff filed suit on behalf of her minor child to recover damages for injuries sustained by J.S. when she fell from a second-story bedroom window of an apartment leased from Defendant. Plaintiff claims the trial court erred by: (1) submitting a verdict-directing instruction which required a finding that the second-floor window was within Defendant's control for the purpose of making repairs; and (2) admitting evidence regarding Plaintiff's delinquent rent.

AFFIRMED.

Division IV Holds:

(1) The trial court did not err in submitting a verdict-directing instruction that required the jury to determine whether Defendant retained control over the second-floor window for the purpose of making repairs because the issue of control was an essential element of liability that was in dispute.

(2) The trial court did not abuse its discretion by allowing cross-examination testimony and evidence regarding Plaintiff's delinquent rent because the evidence was relevant to the issue of Plaintiff's credibility as well as the jury's determination of whether Defendant had knowledge of a request for a window lock.

Opinion by: Philip M. Hess, J.
Lisa S. Van Amburg, P. J. and Patricia L. Cohen, J. concur.

Attorney for Appellant: Patrick K. Bader and Shaun M. Falvey

Attorney for Respondent: Amy H. Surber

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
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